

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: ) CHAPTER 7  
NIVEEN SABBAGH, ) CASE NO. 15-72569  
DEBTOR. )  
  
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NIVEEN SABBAGH, ) **CONTESTED MATTER**  
MOVANT, )  
VS. )  
AMERICAN EXPRESS BANK, FSB, )  
RESPONDENT. )

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION  
TO AVOID JUDGMENT LIEN AND TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that a Motion to Avoid Judicial Lien pursuant to 11 U.S.C. § 522 has been filed in the above styled case on Monday, January 18, 2016.

NOTICE IS HEREBY GIVEN that, pursuant to Local Rule 6008-2 NDGA, the Respondent must file a response to the motion within 21 days after service, exclusive of the day of service, and serve a copy of same on Debtor's Attorney. In the event that no response is timely filed and served, then the Bankruptcy Court may enter an order granting the relief sought.

This Monday, January 18, 2016.

Respectfully submitted,

/s/

Charles M. Clapp, 101089  
Attorney for Debtor  
5 Concourse Parkway NE  
Suite 3000  
Atlanta, Georgia 30328  
(404) 585-0040 (Office)  
(404) 393-8893  
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RESPONDENT. )

**MOTION TO AVOID JUDICIAL LIEN ON EXEMPT PROPERTY**

**COMES NOW** Niveen Sabbagh (“Debtor”), by and through their undersigned counsel, and files this motion to avoid the judicial lien of American Express Bank, FSB (“Respondent”). In support, Debtor offers the following:

1.

The Debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code on November 24, 2015. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b).

2.

This Motion is filed by the Debtor under 11 U.S.C. § 522(f)(1) to avoid a judicial lien which purports to attach to Debtor’s property through action of law following a monetary judgment obtained by Respondent.

3.

After the application of state exemptions to Debtor's personal property, no unexempt equity remains to which Respondent's lien may attach. Accordingly, Respondent's lien impairs Debtor's interest in property and should be avoided pursuant to 11 U.S.C. § 522(f)(1).

Wherefore, Movant prays:

- a. For a judgment against Respondent for the cancellation and avoidance of the said judicial lien;
- b. That the Trustee be directed to classify Respondent's claim as general unsecured; and
- c. Such further relief as this Court deems just.

This Monday, January 18, 2016.

Respectfully submitted,

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Charles M. Clapp, 101089  
Attorney for Debtor  
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Suite 3000  
Atlanta, Georgia 30328  
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(404) 393-8893  
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## **CERTIFICATE OF SERVICE**

The undersigned hereby states that I am more than eighteen years of age, and that on this day I served a copy of the within "Notice of Requirement to Motion to Avoid Judicial Lien on Exempt Property and Time to File Same" together with the "Motion to Avoid Judicial Lien" filed in this Bankruptcy Case upon the Trustee electronically and upon the following by depositing a copy of same in the United States Mail with sufficient certified postage thereon to ensure delivery:

Tamara Miles Ogier, Chapter 7 Trustee  
Ogier, Rothschild & Rosenfeld PC  
170 Mitchell St. S.W.  
Atlanta, GA 30303

Niveen Sabbagh  
120 Arden Place  
Alpharetta, GA 30022

American Express Bank, FSB  
4315 South 2700 West  
Attn: Kenneth Chenault, C.E.O.  
Salt Lake City, UT 84184  
*Via Certified Mail*, 7014 2120 0003 2348 9079

This Monday, January 18, 2016.

Respectfully submitted,

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